

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q64393

Nadine ASSAF

Appln. No.: 09/865,733

Group Art Unit: 2613

Confirmation No.: 5965

Examiner: Gims S. PHILIPPE

Filed: May 29, 2001

For: PICTURE SEGMENT CODING WITH MOTION PREDICTION

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 27, 2005, please consider the following.

**REMARKS**

Claims 1-13 remain in the application. Applicant respectfully requests reconsideration of the application and allowance of all claims in view of the following remarks.

All claims stand rejected under 35 USC 103, and in each case the primary reference relied on by the examiner is Kim (USP 5,838,829).

Applicant has pointed out that Kim is not predicting the motion of the contour within any particular part of the image, so there are no boundaries or edges in Kim.

The examiner responds by referring to lines 54-67 of column 3 of Kim, but that passage describes a predicted contour meeting an extended contour boundary 10A. Applicant does not agree that this is a segment boundary, but in any event this interpretation of the claim has been precluded by the amendment to claim 1 to recite that the picture is divided into a plurality of

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segments independently of the image information within each segment. The contour and extended contour in Kim are clearly characteristics of the image information, so cannot be the segments referred to in claim 1.

Applicants have previously explained that Kim does not divide the picture into segments, and the examiner has responded by referring to lines 28-33 of column 3 as support for the division of the macroblock into segments. First of all, the claim does not recite the division of a macroblock into segments, but the division of the picture into segments with each segment made up of macroblocks. The cited passage discusses shifting a contour through a search range of +/- 16 pixels. Since the contour itself is based on image information, it is not possible for the shifted contour to not also be based on image information. Thus, the shifted versions of the contour cannot define the segments referred to in claim 1 which must be defined independently of image information.

While the undersigned believes that the examiner is unreasonably stretching the claim language in trying to find macroblocks and segment boundaries in Kim, it is enough to note that there are no segments in Kim which are defined independently of image information. With this basic requirement of the claims not found in Kim, the entire rest of rest of the reading of the claim language on Kim fails.

The secondary references do not supply this teaching missing from Kim.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: March 27, 2006